

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

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|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No.: 3:05-CR-112-TAV-DCP-1 |
| |) | |
| MELVIN E. DAVIS, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant's recently filed pro se "motion" [Doc. 220]. The motion appears to actually be a reply to the government's response to the defendant's motion for compassionate release.

The Court recently denied defendant's motion for compassionate release without prejudice for failure to exhaust administrative remedies [Doc. 218]. The Court has reviewed defendant's motion/reply, and notes that defendant does not address his failure to exhaust his administrative remedies. In the absence of administrative exhaustion, the Court cannot address the merits of defendant's motion for compassionate release. *United States v. Alam*, 960 F.3d 831, 834 (6th Cir. 2020) ("When 'properly invoked,' mandatory claim-processing rules 'must be enforced.'"). Accordingly, to the extent that the instant motion may be considered a motion for reconsideration, that motion [Doc. 220] is **DENIED without prejudice**. Defendant is not barred from seeking compassionate relief

in the future, but he must first exhaust his administrative remedies before the Court can entertain such a motion.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE